

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

August 04, 2023

Nathan Ochsner, Clerk of Court

United States of America
v.
German Oswaldo Reyes-Sifuentes

Case No.

4:23-mj-1564

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 4, 2023 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

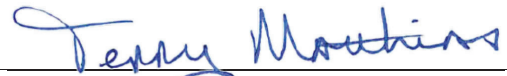
8 U.S.C. § 1326 (b)(1)

Offense Description

Illegal re-entry into the United States after having previously been deported to Mexico, subsequent to having been convicted of a crime defined as a felony, without first applying for and obtaining permission from the Attorney General of the United States, or the Secretary for the Department of Homeland Security, for admission to the United States following deportation from the United States, in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(1).

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

☐ Continued on the attached sheet.

Complainant's signature

Terry Matthias, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 08/04/2023

Judge's signature

City and state: Houston, Texas

Sam S. Sheldon, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Terry Matthias, being duly sworn by telephone, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since June 24, 2007. Prior to this assignment, I have held the following positions: Customs and Border Protection Officer and Immigration Enforcement Agent. My law enforcement career began July 2006, as a Customs and Border Protection Officer. I have over 17 years of immigration law enforcement experience.

(2) On August 4, 2023, at approximately 06:16 hrs., German Oswaldo Reyes-Sifuentes was detained by ICE. The Defendant also goes by the alias of Reyes, German.

(3) The Defendant’s fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously convicted and deported.

(4) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a) and (b)(1).

(5) Element One: The Defendant is a citizen and national of Mexico and not a native, citizen or national of the United States.

(6) Element Two: The Defendant has previously been deported or removed from the United States on the following occasion(s):

- a. 05/13/2010
- b. 11/25/2013
- c. 04/22/2014
- d. 08/17/2017
- e. 05/31/2018
- f. 06/08/2019
- g. 06/06/2022

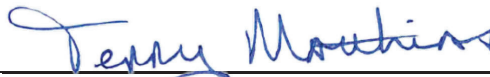
(7) Element Three: After deportation, the Defendant was subsequently found in the United States on August 4, 2023, in Harris County, Texas, which is within the Houston or Galveston Division Southern District of Texas. Additionally, I consulted with ICE's Law Enforcement Support Center ("LESC") to determine whether, in the past five years and after the Defendant's last deportation, the Defendant had been encountered by law enforcement prior to the date specified earlier in this paragraph. On August 4, 2023, LESC advised me that it had no record of such an encounter.

(8) Element Four: The Defendant did not have permission to reenter the United States. On August 4, 2023, I reviewed the contents of the Alien File associated with this Defendant and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

(9) Prior Criminal History / Gang Affiliation. The Defendant has the following prior criminal history and/or gang affiliation:

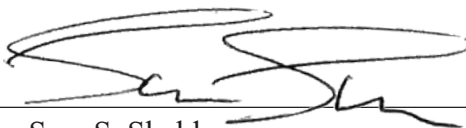
- a. On December 8, 2020, the Defendant, using the name of Reyes-Sifuentes, German Oswaldo, was convicted in the United States District Court, Southern District of Texas, for the offense of ILLEGAL RE-ENTRY INTO THE UNITED STATES, 8 U.S.C. 1326(a) and (b)(1), under Case # 1:20-CR-00306-1 and was sentenced to 24 months confinement.
- b. On April 23, 2019, the Defendant, using the name of Reyes-Sifuentes, German Oswaldo, was convicted in the United States District Court, Southern District of Texas, for the offense of ALIEN UNLAWFULLY FOUND IN THE UNITED STATES AFTER DEPORTATION, under Case # 1:18CR-01081-1 and was sentenced to 6 months confinement.
- c. On December 6, 2018, the Defendant, using the name of Reyes-Sifuentes, German Oswaldo, was convicted in the 404th District Court, Cameron County, Texas for the offense of ROBBERY under Cause # 2018-DCR-2078-G and was sentenced to 5 years confinement.
- d. On March 4, 2010, the Defendant, using the name of Reyes, German, was convicted in the County Court at Law No. 8, Harris County, Texas for the offense of BURGLARY OF VEHICLE under Cause # 165316401010 and was sentenced to 150 days confinement.

On August 4, 2023, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning this criminal complaint. On or about that day, Assistant U.S. Attorney Anna Swanson 713-376-7871 accepted this case for prosecution for a violation of 8 U.S.C. § 1326(a) and(b)(1).

A handwritten signature in blue ink, reading "Terry Matthias", written over a horizontal line.

Terry Matthias, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Signed and sworn telephonically before me this 4th day of August 2023, and I find probable cause.

A handwritten signature in black ink, reading "Sam S. Sheldon", written over a horizontal line.

Hon. Sam S. Sheldon
United States Magistrate Judge
Southern District of Texas